

# WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

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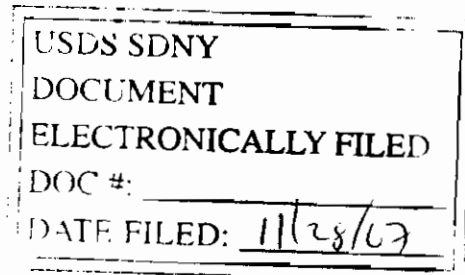
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November 27, 2007

Hon. Richard J. Sullivan  
United States District Court  
Southern District of New York  
120 Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312



Re: North American Specialty Insurance Co. v. Larry Mullen Jr. and Paul Hewson  
Docket No. : 07 CIV 5886  
Our File : 04345.01173

Dear Judge Sullivan:

We represent the plaintiff North American Specialty Insurance Company ("NAS") in the above entitled action seeking declaratory relief. On or about October 15, 2007, we sent a letter request to your honor seeking an extension of time in which to serve the summons and complaint. A courtesy copy of the letter was forwarded to defendants' personal counsel. We then received the letter Endorsed by your Honor on October 23<sup>rd</sup> and entered on October 25<sup>th</sup> ordering that the parties appear for a status conference on December 5, 2007. The Endorsement also ordered that the parties submit a proposed discovery scheduling order by today, November 27<sup>th</sup>.

Upon receiving the Endorsed letter, I contacted the Court to discuss the fact that personal counsel for the defendants have never appeared in the action. At the direction of the Court, we were asked to submit a motion seeking to extend the time in which to serve the summons and complaint and that the status conference for December 5<sup>th</sup> would remain in place. After receiving the Endorsed letter, I contacted and spoke with David R. Toraya, Esq. from the firm Grubman Indursky & Schindler, P.C. who are personal counsel to the defendants. During the conversation, Mr. Toraya advised me that they were uncomfortable appearing in this action because the complaint had not yet been served and if the matter proceeds to litigation, then the defendants would retain separate litigation counsel.

We electronically filed the motion earlier today and will forward a courtesy copy to defendants' personal counsel by first class mail. Because personal counsel to the defendants


have not yet appeared and are reluctant to do so, I cannot submit a proposed discovery scheduling order at this time and respectfully request an extension of time pending the outcome of our motion to extend the time to serve the complaint. I would also respectfully request that the status conference currently scheduled for December 5, 2007 be adjourned pending the outcome of the motion.

As was stated in the letter dated October 15<sup>th</sup> and in our recent motion, the basis for the request for an extension of time is that the parties have been discussing a possible resolution in order to avoid the necessity of proceeding forward with the litigation.

Thank you for your time and consideration of this request. Should you have any questions please do not hesitate to contact the undersigned.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Mathew P. Ross

Cc: Grubman Indursky & Schindler, P.C.  
152 West 57<sup>th</sup> Street  
New York, New York 10019-3301  
Attention: David R. Toraya, Esq.

~~Plaintiff's motion to extend~~

Plaintiff's motion to extend the time in which to serve the complaint is granted. Plaintiff shall serve the complaint by January 4, 2008. No further extensions will be granted. ~~Plaintiff's~~ The December 5, 2007 conference is adjourned to January 10, 2008 at 10:15 am.

